

Applicants' rebuttal

The object of Yahiaoui et al. is to provide a coated porous substrate having a durable coating which is wettable by water, without significantly lowering the surface tension of an aqueous medium to which the coated substrate may be exposed. (col. 1, lines 44-48.) In particular, the "surface tension of the aqueous medium may not be suppressed or lowered more than about 10 percent". (col. 7, lines 10-12.) The reason why the coated substrate of Yahiaoui et al. is designed to be wettable, without significantly decreasing the surface tension of an aqueous medium is not readily apparent from the '567 patent, although such a requirement may be understood by those in the field disposable diapers, training pants, feminine care products and the like.

Applicants' invention is a cleanroom wiper, that is, a wiping cloth that meets stringent particle release standards. The skilled person selecting a fabric for use in a cleanroom wiper has traditionally employed an uncoated fabric. It has not been demonstrated that the underlying properties of the coated substrate of Yahiaoui et al., i.e. wettability, without lowering the surface tension of an aqueous medium, are desirable in a cleanroom wiper. Therefore, the motivation to select the coated substrate of Yahiaoui et al. for use in a cleanroom wiper is absent.

The Examiner has suggested that the motivation to launder the coated fabric of Yahiaoui et al. according to the methods of Morin et al. or Zeidell is the desire to remove contaminants and lint. Applicants note that textile fabrics are typically scoured and washed to remove contaminants, such as oil, dirt, and lint. But, manufacturing a hygienic product and one that will meet the claimed particle count characteristic of a cleanroom wiper are two different things. The applications suggest by Yahiaoui et al. for its coated fabric do not require cleanroom, particle release specifications, which are above and beyond any conceivable requirement for diapers, and the like.

Absent a clear motivation to launder the coated fabric of Yahiaoui et al. to meet a cleanroom specification, there is no motivation to conduct routine experimentation to meet such a specification. The Examiner has "bootstrapped" his way from laundering a product to remove contaminants and lint, to charging the skilled person with optimizing the conditions to meet a cleanroom specification, without showing why the skilled person would "optimize" to meet the cleanroom specification.

In sum, a *prima facie* case of obviousness under §103(a) has not been met, because

- (1) a person skilled in the art of cleanroom wipers would not be motivated to select the coated fabric of Yahiaoui et al., absent a showing that the specialized features of the coated fabric were recognized as being desirable in a cleanroom wiper; and
- (2) a person skilled in the art of disposable absorbent products, such as diapers, would not be motivated to launder such products to meet cleanroom standards.

Morin et al. U.S. 6,189,189

The inventive entity in the present application and in Morin et al. '189 is the same, namely Brian G. Morin, Daniel T. McBride and Loren W. Chambers. The present application was filed within one year of the filing date of Morin et al. '189. Furthermore, the present application and Morin et al. '189 are commonly assigned. For all of the foregoing reasons, Morin et al. '189 is not available as prior art in the present application.

Unexpected benefits

Assuming, *arguendo*, that a *prima facie* case of obviousness has been made by the Examiner, Applicants are able to demonstrate that the present invention has unexpected properties and advantages not disclosed in the prior art. It is well established that a *prima facie* showing of obviousness may be overcome by demonstrating unexpected advantages. (*In re Chupp*, 816 F.2d 643, 2 USPQ 2d 1437 (CAFC 1987).)

Yahiaoui et al. disclose the use of a polymer coating on fabric to improve wettability without lowering surface tension. In the present application, the claimed polymer coating exhibits an affinity for fine particles, especially particles in the range of 1 to 5 microns. With the present invention, increases in particle affinity of as much as 300% are often achieved. (See Example 1 of the Specification.)

There can be little doubt that particle contamination is a critical concern in cleanrooms. The focus of development in cleanroom wipers has been to reduce the contamination introduced by the wiper itself. The present invention is not only low in particulate emissions, it dramatically increases particulate removal from the substrates being cleaned!

Accordingly, Applicants respectfully submit that the unexpected results flowing from the present invention rebut a finding of obviousness under §103(a).

Examiner's argument

Claims 6, 12 and 31 were rejected under 35USC§103(a) as being unpatentable over Yahiaoui et al. in view of either Morin et al. or Zeidell and Applicants admitted prior art.

The Examiner relies on the arguments set forth above.

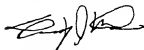
Rebuttal

Applicants submit that the basis for the Examiner's rejection have been squarely met above.

Applicants respectfully request reconsideration of the rejection and allowance of all of the pending claims.

January 30, 2002

Respectfully requested,



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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to The Commissioner of Patents and Trademarks, Washington, DC 20231, on January 30, 2002, Extension of Time, along with a postcard receipt.



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